HOUSE BILL No. 1354

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-13-6-1; IC 5-8-1-19; IC 33-23-1-7; IC 33-33-45.

Synopsis: Election of judges in Lake County. Requires the election of judges in Lake County, and repeals provisions related to the Lake County judicial nominating commission. Continues the current judges in office until the end of the judges' terms.

Effective: July 1, 2005.

Brown C

January 13, 2005, read first time and referred to Committee on Elections and Apportionment.





First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

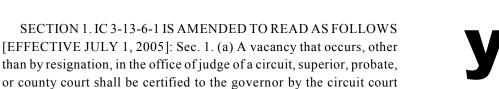
Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in this style type. Also, the word NEW will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in this style type or this style type reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1354

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:



- (b) A vacancy in the office of judge of a circuit court shall be filled by the governor as provided by Article 5, Section 18 of the Constitution of the State of Indiana. The person who is appointed holds the office until:
 - (1) the end of the unexpired term; or

clerk of the county in which the judge resided.

(2) a successor is elected at the next general election and qualified;

whichever occurs first. The person elected at the general election following an appointment to fill the vacancy, upon being qualified, holds office for the six (6) year term prescribed by Article 7, Section 7 of the Constitution of the State of Indiana and until a successor is elected and qualified.



1 2

3

4

5

6

7

8

9

10

11 12

13

14

15

16

17

2005

IN 1354—LS 6135/DI 69+

1	(c) A vacancy in the office of judge of a superior, probate, or county
2	court shall be filled by the governor subject to the following:
3	(1) IC 33-33-2-39.
4	(2) IC 33-33-2-43.
5	(3) IC 33-33-45-38.
6	(4) (3) IC 33-33-71-40.
7	The person who is appointed holds office for the remainder of the
8	unexpired term.
9	SECTION 2. IC 5-8-1-19 IS AMENDED TO READ AS FOLLOWS
10	[EFFECTIVE JULY 1, 2005]: Sec. 19. (a) Under Article 7, Section 13
11	of the Constitution of the State of Indiana, whenever a circuit, superior,
12	probate, or county court judge or prosecuting attorney has been
13	convicted of corruption or any other high crime, the attorney general
14	shall bring proceedings in the supreme court, on information, in the
15	name of the state, for the removal from office of the judge or
16	prosecuting attorney.
17	(b) If the judgment is against the defendant, the defendant is
18	removed from office. The governor, the officer, or the entity required
19	to fill a vacancy under IC 3-13-6-2 shall, subject to:
20	(1) IC 33-33-2-39;
21	(2) IC 33-33-2-43;
22	(3) IC 33-33-45-38; and
23	(4) (3) IC 33-33-71-40;
24	appoint or select a successor to fill the vacancy in office.
25	SECTION 3. IC 33-23-1-7 IS AMENDED TO READ AS
26	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. "Judicial nominating
27	commission", except as used in IC 33-33-2 IC 33-33-45, and
28	IC 33-33-71, means the commission described in Article 7, Section 9
29	of the Constitution of the State of Indiana.
30	SECTION 4. IC 33-33-45-3 IS AMENDED TO READ AS
31	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) There is
32	established a superior court in Lake County (referred to as "the court"
33	in this chapter).
34	(b) The court consists of:
35	(1) sixteen (16) judges, who shall be elected at the general
36	election every six (6) years in Lake County; and
37	(2) the Lake County circuit court judge, if the circuit court
38	judge chooses to sit on the superior court of Lake County.
39 40	(c) The term of a judge described in subsection (b)(1) begins
40	January 1 following the judge's election and ends December 31
41	following the election of the judge's successor.
42	(d) To be eligible to hold office as a judge of the court, a person



2	must be:
2	(1) a resident of Lake County;
3	(2) less than seventy (70) years of age at the time of taking
4	office; and
5	(3) admitted to the practice of law in Indiana.
6	SECTION 5. THE FOLLOWING ARE REPEALED [EFFECTIVE
7	JULY 1, 2005]: IC 33-33-45-25; IC 33-33-45-26; IC 33-33-45-27;
8	IC 33-33-45-28; IC 33-33-45-29; IC 33-33-45-30; IC 33-33-45-31;
9	IC 33-33-45-32; IC 33-33-45-33; IC 33-33-45-34; IC 33-33-45-35;
10	IC 33-33-45-36; IC 33-33-45-37; IC 33-33-45-38; IC 33-33-45-39;
11	IC 33-33-45-40; IC 33-33-45-41; IC 33-33-45-42; IC 33-33-45-43;
12	IC 33-33-45-44.
13	SECTION 6. [EFFECTIVE JULY 1, 2005] Notwithstanding the
14	amendment and repeal of provisions in IC 33-33-45 by this act, the
15	term of a judge in office in the Lake County superior court on June
16	30, 2005, does not terminate until the date that the term would
17	have terminated under the law in effect on June 30, 2005. The
18	initial election under IC 33-33-45, as amended by this act, to fill a
19	judge's position on the Lake County superior court is the general
20	election immediately preceding the date on which the term of the
21	judge occupying the position on June 30, 2005, would have
22	terminated under the law in effect on June 30, 2005.

